UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,550	11/13/2001	Olivier Fischer	16-062	6754

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EXAMINER
HUNG, YUBIN

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-17_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-17_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _13 November 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _04/03/2002_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The use of the trademarks "Adobe" and "Photoshop" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 6, 8-9, 12, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lan et al. (US 2002/0063681 A1).

4.   Regarding claim 1, Lan discloses

- extracting textual elements from the target graphic
  [Fig. 1, numeral 111; Fig. 2; P. 2, paragraphs 0020-0022. Note
  the two CDR files describe the target graphics shown in Fig. 2.
  Note further that the extracted textual elements inherently are
  based on a geographical region(e.g., the United States, since it's
  in English.]
- storing the extracted textual elements as a first set of textual
  element records to be modified based on the language and/or
  customs of a second geographical region to form a second set of
  textual element records
  [Fig. 2; P. 2, paragraph 0022, lines 6-12; paragraph 0025, lines
  1-3; paragraph 0028. Note that title layer and subtitle layer are
  both considered a text layer since they contain text data.
  Further note that the extracted text can be modified by a user
  such as a translator. While Lan does not expressly disclose that
  the modifications are based on a geographical region, the
  disclosed method certainly supports this function (since the
  extracted data can be modified) and the motivation for doing so is
  obvious because, for example, multi-national companies certainly
  have a need to be able to cost-effectively produce promotional
  material understood by targeted customers in different
  geographical regions.]

5.   Regarding claim 2, Lan further discloses

- accessing the first set of textual element records and modifying
  them to form the second set of textual element records
  [P. 2, paragraph 0025, lines 1-3; paragraph 0028]

6.   Regarding claim 3, Lan further discloses

- accessing the first set of textual element records and modifying
  them to form the second set of textual element records
  [P. 2, paragraph 0025, lines 1-3; paragraph 0028]

7.   Regarding claim 4, Lan further discloses

- wherein the set of textual element records comprises a plurality
  of records stored in a database
  [Fig. 1, numeral 112; P. 2, paragraph 0022, lines 6-12]

8.   Regarding claim 6, Lan further discloses

- wherein the step of storing the textual elements is performed by
  grouping the textual elements in layers
  [Fig. 1, numerals 111-112; P. 2, paragraph 0022, lines 6-12]

9.   Regarding claim 8, and similarly claim 14, Lan further discloses

- wherein the target graphic has a plurality of layers
  [Fig. 2; P. 2, paragraph 0020. Note that each type (e.g., text)
  of objects constitutes a layer]

and wherein the step of extracting textual elements from the target
graphic is performed by:
- creating a database for storing textual elements and examining
  each layer to determine if the layer is a text layer; if a layer
  is a text layer storing the text in the text layer in the database
  and repeating the steps until all layers of the target graphic
  have been examined
  [Fig. 1, numerals 111-112; P. 2, paragraph 0022, lines 6-12. Note
  that while Lan does not expressly disclose that the text layers
  (interpreted to include both title and subtitle layers) where
  extracted texts are stored are part of the database of the
  database, it is obvious that they are because in Fig. 1 the
  extractor (111) is connected directly to the database (112).]

10.   Regarding claim 9, Lan further discloses

- wherein the step of examining each layer is performed by examining
  a key for each layer
  [Fig. 1, numerals 111-112; Fig. 2; P. 2, paragraph 0021; P. 2,
  paragraph 0022, lines 1-4. Note that each object has a type (i.e.,
  key) such as image or text.]

11.   Regarding claims 12 and 17, they are similarly analyzed and rejected per

the analyses of claims 1-3 above.

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12.   Claims 5, 10, 11, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lan et al. (US 2002/0063681 A1) as applied to claims 1-

4, 6, 8-9, 12, 14 and 17 above, and further in view of Carter ["Writing Localizable

Software for the Macintosh", 1992. (Listed on the IDS.)].

13.   Regarding claim 5, and similarly claim 13, Lan teaches/suggests all

limitations of its parent,

claim 1.

Lan does not expressly disclose the following:

- providing a glossary containing translations for selected textual elements in a plurality of languages

However, on P. 18 Carter teaches using glossaries in multiple languages to

facilitate localization (i.e., providing versions for different languages) of software.

Carter and Lan are combinable because they both have aspects that are from

the same field of endeavor of data (e.g., extracted text or technical terms)

conversion (e.g., translation or other forms of modification).

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to modify Lan with the teachings of Carter by using a glossary containing

translations for selected textual elements in a plurality of languages. The

motivation will be to ensure the consistency in the modification (e.g., translation)

of the same extracted textual elements. [See Carter: P. 18, lines 1-4 of the 1st

paragraph of the Glossary section.]

Therefore, it would have been obvious to combine Carter with Lan to obtain the

invention of claim 5.

14.   Regarding claim 10, and similarly claim 15, it is similarly analyzed and

rejected per the analyses of claims 1, 2, 5 and 8. Specifically,

- examining each layer to determine if the layer is a text layer,
  and if a layer is a text layer, storing the text in the text layer
  in the database as a set of textual element records corresponding
  to an initial geographical region
  [Per the analysis of claim 8. Note that extracted textual
  elements (such as those in Fig. 2 of Lan) are in English and
  therefore inherently are based on a geographical region such as
  the United States]
- modifying the set of textual elements records based on a new
  geographical region
  [Per the analysis of claim 2. See also the first paragraph of
  the Glossary section on P. 18 of Carter where translation as a
  way of modification is taught]
- storing the set of modified textual element records in a database
  location corresponding to the new geographical region
  [Per the analysis of claim 1]
- repeating the modifying and storing steps as necessary to create
  database records for all of the plurality of geographical regions
  [Per the analysis of claim 5. See, in particular, the last two
  lines on P. 18 of Carter]

15.   Regarding claim 11, and similarly claim 16, it is similarly analyzed and

rejected per the analyses of claims 9 and 10

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16.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Lan et al. (US 2002/0063681 A1) as applied to claims 1-4, 6, 8-9, 12, 14 and 17

above, and further in view of Photoshop5 (Adobe® Photoshop® 5.0 Certification Guide, 1999, P. 241).

Regarding claim 7, Lan teaches/suggests all limitations of its parent, claim 6.

Lan does not expressly disclose the following:

- selecting layers from the set of textual element records to make
  visible in the target graphic

However, in the paragraph in the section "Viewing a Layered Document" on P. 241 Photoshop5 teaches that layers can be made visible or invisible when displaying a graphic target.

Photoshop5 and Lan are combinable because they both have aspects that are from the same field of endeavor of displaying data.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Lan with the teachings of Photoshop5 by selectively making selected objects (e.g., text layers) visible. The motivation will be to ensure that only the intended objects are visible as is desired when making presentations to different target audiences.

Therefore, it would have been obvious to combine Photoshop5 with Lan to obtain the invention of claim 7.

Conclusion and Contact Information

17.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Adegeest (US 5,872,573) – Discloses a method and system that selects text from graphical data for enhancement

- Black et al. (US 5,802,203) – Discloses an image segmentation system that models an image as a series of layers (including a text layer)

18.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (703) 305-1896. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
PAIR. Status information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system, see http://pair-
direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free).

Yubin Hung
Patent Examiner
September 29, 2004

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